APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,291	10/22/2001	Mark Lucovsky	3110	9349

7590 01/18/2006	EXAMINER
Law Offices of Albert S. Michalik, PLLC	WONG, LESLIE

ART UNIT	PAPER NUMBER
2164	

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DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Office Action Summary	**Application No.**	**Applicant(s)**
		10/021,291	LUCOVSKY ET AL.
		Examiner	**Art Unit**	
		Leslie Wong	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 June 2005_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 October 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _09/27/2005_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Receipt of Applicant's Amendment, filed 30 June 2005, is acknowledged.

Information Disclosure Statement

2.   Applicants' Information Disclosure Statement, filed 27 September 2005, has

been received, entered into the record, and considered. See attached form PTO-1449.

Withdrawal of Objection

3.   Applicants' arguments, submitted on 30 June 2005 regarding the objection to the

Specification, are persuasive. Examiner hereby withdrawn the rejection that was given

in the Office Action dated 07 March 2005.

4.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-7 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by **Gershman et al.** ('Gershman' hereinafter) (US 6401085 B1).

Regarding claim 1, **Gershman** teaches in a computer network, a computer-

implemented method comprising,

a).   **'providing a profile schema, the profile schema having profile-related**

fields arranged into a content document with defined structures for the fields' as

customer profile database contains personal information (i.e., profile schema) about the

customer such as name, address, SSN, and personal preferences etc... and retrieving

user-centric content such as email items, contact items, and news items to add to a web

page (i.e., content document) (col. 40, lines 10-14; col. 40, line 55 – col. 41, line 7);

b).   **'receiving a data access request directed to profile information, the**

request including associated identify information' as client or web browser makes a

request to the web server, the servers gets the layout and content preferences for that

particular user with the unique user id stored in the client and user profile database.

The server then retrieves the relevant user-centric content such as calendar, email,

contact list, and tasks list items (col. 40, lines 36-43; col. 39, lines 55-57; lines 27-44);

and

c).   **'in response to the data access request, manipulating at least one**

set of data in a logical profile document that includes data therein according to

the associated identity information, each set of data in the logical profile

document structured to correspond to a field in the content document of profile

information' as when the user requests a product report for product X (i.e., content

document), the algorithm retrieves the profiles from the profile database (i.e., logical

profile document), and return the result to the user according to the profile matching

algorithm. The profile gateway server receives all requests for profile information,

whether from the user himself or merchants trying to provide a service to the user. The

profile gateway server is responsible for ensuring that information is only given out

when the profile owner specifically grants permission (col. 40, lines 55-54; col. 43, lines

10-43; col. 43, line 61 – col. 44, line 2) ().

Regarding claim 2, **Gershman** further teaches wherein '**manipulating at least

one set of data comprises reading data from at least one field in the logical profile

document**' as the relevant user-centric content such as calendar, email, contact, list

and task list items are *retrieved* (i.e., read) (col. 40, lines 42-46).

Regarding claim 3, **Gershman** further teaches wherein '**manipulating at least

one set of data comprises writing data to at least one field in the logical profile

document**' as user's personal information that is *stored* (i.e., write) in a central profile

database (col. 39, lines 29-31).

Regarding claims 4 and 19, **Gershman** further teaches a computer network, a

computer-implemented method and a computer-readable medium comprising,

a).   **'receiving a request to retrieve profile data, the request including**

associated identify information' as client or web browser makes a request to the web

server, the servers gets the layout and content preferences for that particular user with

the unique user id stored in the client and user profile database (col. 40, lines 36-43;

col. 39, lines 55-57; lines 27-44);

b).   **'reading from a data store to obtain profile data based on the**

associated identity information' as the relevant user-centric content such as

calendar, email, contact, list and task list items are *retrieved* (i.e., read) (col. 40, lines

42-46);

c).   **'constructing a profile document including at least part of the data,**

the document arranged according to a defined schema for profile data' as a

second persona (i.e., profile document) designated to store the user's work address and

may indicate that the user prefers certain vendors or works for a certain company that

has a discount program in place (col. 41, lines 6-50); and

d).   **'returning the document in response to the request'** as the web page

is returned to the client and displayed to the user (col. 40, lines 51-54).

Regarding claims 5 and 20, **Gershman** further teaches wherein **'the schema**

includes at least one defined field for extending the schema' as subclassing and

inheritance in Object-Oriented Program (OOP) make it possible to extend and modify

objects through deriving new kinds of objects from the standard classes available in the

system. It should be apparent to the reader that via OOP, the developer can specify the desired field in the schema to be extended (col. 7, lines 20-24; col. 50, lines 45-52).

Regarding claim 6, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a name (Fig 13. element 1340).

Regarding claim 7, **Gershman** further teaches wherein the schema includes at least one define field comprising data corresponding to member information (Fig 13. element 1340).

Regarding claim 10, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a special date (col. 46, lines 35-40).

Regarding claim 11, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a user reference (col. 42, lines 32-34).

Regarding claim 12, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a picture (col. 68, lines 24-32).

Regarding claim 13, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a gender (Fig. 21, element 2180 – gender (male, female)).

Regarding claim 14, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to an identification number (col. 40, lines 39-42).

Regarding claims 15 and 16, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to work information (Fig. 12, elements 1220 and 1250).

Regarding claim 17, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to an email address (Fig. 12, element 1220 (email work)).

Regarding claim 18, **Gershman** further teaches wherein the schema includes at least one defined field comprising data corresponding to a telephone number (Fig. 12, elements 1220 and 1250).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gershman et al. ('Gershman' hereinafter) U.S. Patent (6,401,0085) as applied to

claims 1-7 and 10-20 in view of **Horowitz et al.** ("Horowitz") (U.S. Patent 6,349,290

B1).

Regarding claim 8, **Gershman** does not explicitly teach wherein the schema

includes at least one defined field comprising data corresponding to a language

preference.

Horowitz, however, teaches the schema includes at least one defined field

comprising data corresponding to a language preference (col. 34, lines 20-23);

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Horowitz's** teaching would have allowed **Gershman's** to provide personalization of properties via direct customer intervention such as the customer 2 customizing an IVR or web page as suggested by **Horowitz** at col. 34, lines 33-35.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Gershman et al.** ('Gershman' hereinafter) U.S. Patent (6,401,0085) as applied to claims 1-7 and 10-20 in view of **Conmy et al.** ("Conmy") (U.S. Patent 6101480 A).

Regarding claim 9, **Gershman** does not explicitly teach wherein the schema includes at least one defined field comprising data corresponding to a time zone preference.

Conmy, however, teaches the schema includes at least one defined field comprising data corresponding to a time zone preference (col. 3, lines 62 and col. 6, lines 1-14);

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Conmy's** teaching would have allowed **Gershman's** to provide personalization of properties and ensure the availability for a particular user in order to coordinate a desired event as suggested by **Conmy** (col. 3, lines 27-30).

Response to Argument

9.   Applicant's arguments filed 30 June 2005 have been fully considered but they

are not persuasive.

Applicants argue that Gershman is not a profile schema arranged into a content

document with defined structures for the fields. The profile schema of applicants'

invention includes methods that provide access in a defined way to the data stored in

the defined structures of the content document. Because the structure of the data is

defined from the perspective of the data, programs can communicate with the services

using the content document to access the data with existing knowledge of the format.

In one implementation, the profile schemas are arranged as XML documents, and the

services provide methods that control access to the data based on the requesting user's

identification, defined role and scope for that role.

In response to the preceding arguments, Examiner respectfully submits that

Gershman teaches the limitation "...the profile schema having profile-related fields

arranged into a content document with defined structures for the fields" as customer

profile database contains personal information (i.e., profile schema) about the customer

such as name, address, SSN, and personal preferences etc... and retrieving user-

centric content such as email items, contact items, and news items to add to a web

page (i.e., content document) (col. 40, lines 10-14; col. 40, line 55 – col. 41, line 7).

Gershman further teaches methods for accessing the centrally stored profile. The

profile database is the central storage place for the user's profile information. The

profile gateway server receives all requests for profile information, whether from the

user himself or merchants trying to provide a service to the user. The profile gateway

server is responsible for ensuring that information is only given out when the profile

owner specifically grants permission (col. 43, line 61 – col. 44, line 2). Hence,

Gershman teaches a profile schema arranged into a content document with defined

structures for the fields because the system of Gershman accesses the user profile

database to layout preferences defined in the user profile and format the web page

according to the preferences in the profile then returned to the client and displayed to

the user (col. 40, lines 47-54 and col. 44, lines 59-64).

Applicants further argue that nowhere in Gershman is there disclosed a logical

profile document with each set of data in the logical profile document structured to

correspond to a field in the content document of profile information.

In response to the preceding arguments, Examiner respectfully submits that

Gershman teaches the limitation "a logical profile document with each set of data in the

logical profile document structured to correspond to a field in the content document of

profile information" as the user content preferences (i.e., logical profile) stored as part of

the user profile in the User profile database to filter the content that is returned. The

content that is returned is then formatted into a wed page (i.e., logical profile...

correspond to a field in the content...) according to the layout preferences defined in the

user profile. The web page is then returned to the client and displayed to the user (col.

40, lines 47-54).

Finally, Applicants argue that Gershman's teaching of constructing a web page of content about a product or other information such as a consumer report about a product that is filtered using set of profile record cannot possibly be construed to teach constructing a profile document including at least part of the data, the document arranged according to a defined schema for profile data; and returning the document in response to the request.

In response to the preceding arguments, Examiner respectfully submits that, in another embodiment of Gershman, the prior art teaches "constructing a profile document including at least part of the data" as the profile describes the user and his account information. Attached to each user are multiple Personas. These Personas are used to group multiple profiles into useful context (col. 41, lines 25-30). Profiles contain detailed personal information in Profile Field record (i.e., arranged ... defined schema...). Attached to each Profile are sets of Profile Restriction records. These each contain a Name and a Rule, which defined the restriction. Each Profile Field also contains a set of Permissions dictate who has what access rights to that particular Profile Fields' information (col. 41, lines 57 – col. 42, line 3). The user accesses a Web Browser and requests product and pricing information from the integrator. The product and pricing information is then formatted into a Web Page and returned to the customer's Web Browser based on the user's preferences and personal information. Likewise, merchant will be able to access to their consumer profiles (given permission from the consumer who owns each profile (col. 44, lines11-13))(i.e., returning the document...). The Applicants argue that the profile schemas of their invention are

arranged as XML documents, and the services provide method that control access to the data based on the requesting user's identification, defined role and scope for that role. Users can direct the Profile service to publish information to one or more subscribers in order to view profile data. The Profile owner chooses what information may publish to each subscriber role. For example, an owner of personal profile data may typically have read/write access to his or her own profile data, and can provide various types of access to the profile data to other users based on their IDs.

Based the above reasons, Examiner submits that Gershman's teaching of the user's profile is in conformity with the Applicants' invention. Hence, Gershman teaches the limitations as claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong
Primary Patent Examiner
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LW